

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HESTAL LIPSCOMB,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-477 SLR
)	
ELECTRONIC DATA SYSTEMS)	
CORPORATION,)	
a Delaware Corporation,)	
)	
Defendant.)	JURY TRIAL DEMANDED

AFFIDAVIT OF LAURENCE V. CRONIN

STATE OF DELAWARE)	
)	ss.
COUNTY OF NEW CASTLE)	

LAURENCE V. CRONIN, being duly sworn, states:

1. I am a partner in the firm of Smith, Katzenstein & Furlow LLP, counsel for the plaintiff.
2. I submit this affidavit to verify documents and provide other facts relied upon by the plaintiff in connection with Plaintiff's Answering Brief in Opposition to Defendant's Motion for Summary Judgment. The facts set forth in this affidavit are based on my personal knowledge.
3. Attached hereto as Exhibit A is a true and correct copy of excerpts of Electronic Data Systems Corporations's ("EDS") Delaware Account Handbook produced by defendant in this litigation.
4. Attached hereto as Exhibit B is a true and correct copy of deposition excerpts of Lance Rogers dated April 12, 2006.

5. Attached hereto as Exhibit C is a true and correct copy of deposition excerpts of Hestal Lipscomb dated February 21, 2006, continued on April 11, 2006.

6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the EDS 2004 Employee Benefits Handbook produced by defendant in this litigation.

7. Attached hereto as Exhibit E is a true and correct copy of deposition excerpts of Barbara Jackson dated April 12, 2006.

8. Attached hereto as Exhibit F is a true and correct copy of deposition excerpts of Kimberlee Rudeen dated May 4, 2006.

9. Attached hereto as Exhibit G is a true and correct copy of Defendant EDS' Initial Disclosures served on October 7, 2005.

10. Attached hereto as Exhibit H is a true and correct copy of deposition excerpts of Tracey Eaddy dated April 12, 2006.

11. Attached hereto as Exhibit I is a true and correct copy of deposition excerpts of Patty Harrington dated May 4, 2006.

12. Attached hereto as Exhibit J is a true and correct copy of CIGNA Ex. 8 to the deposition of Gracie Gunther.

13. Attached hereto as Exhibit K is a true and correct copy of a return to work note for Hestal Lipscomb from Dr. Jonathan Kraut dated May 10, 2004.

14. Attached hereto as Exhibit L is a true and correct copy of an e-mail from Barbara Jackson to Niki Pereira dated July 13, 2004.

15. Attached hereto as Exhibit M is a true and correct copy of a return to work note for Hestal Lipscomb dated April 9, 2003.

16. Attached hereto as Exhibit N is a true and correct copy of an email to Barbara Jackson from Lance Rogers dated July 13, 2004.

17. Attached hereto as Exhibit O is a true and correct copy of a letter from Dr. Kraut dated April 19, 2004 with facsimile confirmation.

18. Attached hereto as Exhibit P is a true and correct copy of a letter from Cigna Group Insurance addressed to Hestal Lipscomb dated April 21, 2004.

19. Attached hereto as Exhibit Q is a true and correct copy of deposition excerpts of Linda Jackson dated April 12, 2006.

20. Attached hereto as Exhibit R is a true and correct copy of a facsimile confirmation sheet sending a "cigna form" dated May 20, 2004.

21. Attached hereto as Exhibit S are true and correct copies of Exhibits N, O, P and Q of the Lipscomb deposition relating to the "cigna form" transmitted by facsimile on May 20 and June 21, 2004.

22. Attached hereto as Exhibit T are portions of EDS Deposition Exhibit 1, relating to the termination of Roberta McWilliams.

23. Attached hereto as Exhibit U is a true and correct copy of the transcript of the Division of Unemployment Insurance Appeal hearing dated September 14, 2004.

24. Attached hereto as Exhibit V is a true and correct copy of excerpts from the Federal Register from January 6, 1995 relating to the Department of Labor's final Rules and Regulations regarding the FMLA.

25. Attached hereto as Exhibit W is a true and correct copy of a letter from Tara Hinthorne of TALX UCM Services, Inc. and UC eXpress to the State Representative dated

August 16, 2004 relating to Lipscomb's claim for unemployment benefits.

26. Attached hereto as Exhibit X is a true and correct copy of a letter from Laurence V. Cronin, Esquire to Thomas J. Piatak, Esquire dated February 22, 2006.

27. Attached hereto as Exhibit Y is a true and correct copy of Plaintiff's First Set of Interrogatories Directed to Defendant and Defendant's Response to Plaintiff's First Set of Interrogatories.

28. Attached hereto as Exhibit Z is a true and correct copy of the EDS Performance Assessment for Hestal Lipscomb dated March 23, 2004.

29. Attached hereto as Exhibit AA is a true and correct copy of the obituary of Roberta McWilliams dated July 3, 2005.

30. Attached hereto as Exhibit BB is a true and correct copy of emails between Barbara Jackson, Tracey Eaddy and Christine Cornwell dated July 9, 2004 relating to an Attendance Improvement Plan for Hestal Lipscomb.

31. Attached hereto as Exhibit CC is a true and correct copy of an email from Tracey Eaddy to Barbara Jackson regarding Hestal Lipscomb's FMLA leave notice dated June 17, 2004.

32. Attached hereto as Exhibit DD is a true and correct copy of an email from Linda Jackson to Tracey Eaddy dated May 10, 2004.

33. Attached hereto as Exhibit EE is a true and correct copy of an email from Barbara Jackson to Christine Cornwell dated June 17, 2004.

34. Attached hereto as Exhibit FF is a true and correct copy of a chart document from the Christiana Care Adult Medicine Office regarding Hestal Lipscomb.

35. Attached hereto as Exhibit GG is a true and correct copy of the deposition transcript of Gracie Gunther dated May 4, 2006.

36. Attached hereto as Exhibit HH is a true and correct copy of Cigna Deposition Exhibit 1, a letter from Gracie Gunther to Esquire Deposition Services dated March 22, 2006 enclosing document responsive to subpoena.

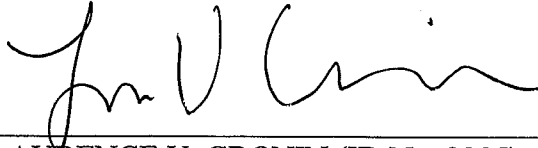
37. Attached hereto as Exhibit II is a true and correct copy of Cigna Deposition Exhibit 2, a letter from Laurence V. Cronin, Esquire to Gracie Gunther dated March 28, 2006.

38. Attached hereto as Exhibit JJ is a true and correct copy of Cigna Deposition Exhibit 3, additional documents produced responsive to subpoena.

39. Attached hereto as Exhibit KK is a true and correct copy of Cigna Deposition Exhibit 4, a letter from Laurence V. Cronin, Esquire to Gracie Gunther dated April 3, 2006.

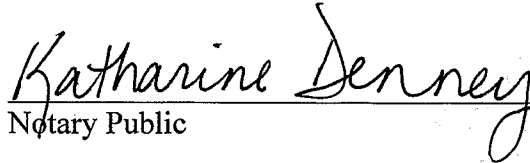
40. Prior to and during this litigation, plaintiff and her counsel made multiple requests to Christiana Care for all records relating to medical care Lipscomb received in 2004. Of all the documents produced by that entity, the only document that could be described as a "CIGNA form" is the document attached as Exhibit T to the Schwartz Affidavit.

[Signature follows on next page]



LAURENCE V. CRONIN (ID No. 2385)

SWORN AND SUBSCRIBED on this 30th day of June, 2006 before me, the undersigned, a Notary Public for the State and County aforesaid.


Notary Public

Commission Expires: _____

KATHARINE MARY DENNEY
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Jan. 18, 2008